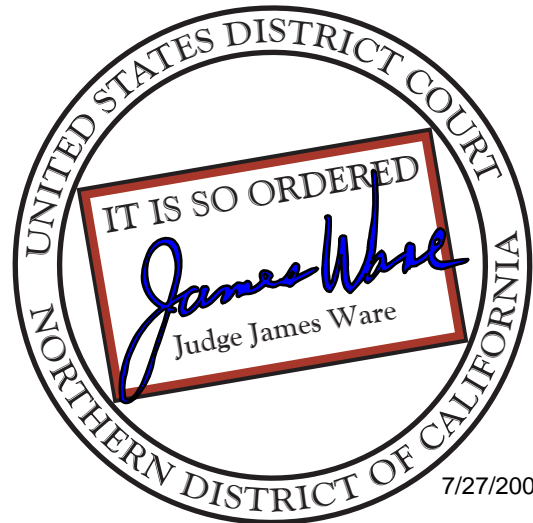


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IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

BRICE YINGLING D/B/A
 ALAMO AUTOSPORTS
 AND ANDY SCOTT,

Plaintiffs,

V.

EBAY, INC.,

DEFENDANT.

Case No. 5:09-CV-01733 JW (PVT)

STIPULATION AND
 REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 HEARING ON DEFENDANT'S
 MOTION TO DISMISS

Jury Trial Demanded

1 Plaintiffs and Defendant file this stipulation and request to continue and reschedule (1) the
2 Case Management Conference and (2) hearing on Defendant's motion to dismiss, both currently set
3 for September 21, 2009, until October 5, 2009 and state:

4 This case was reassigned from Magistrate Judge Patricia V. Trumbull to Judge Ware on
5 June 29, 2009. [Docket No. 22.] Accordingly, the clerk issued a notice continuing the Case
6 Management Conference previously set before Magistrate Judge Trumbull until September 21,
7 2009 at 10:00 a.m. before Judge Ware.

8
9 Shortly thereafter, Defendant filed a motion to dismiss [Docket no. 23] and a notice of a
10 hearing on its motion setting the hearing for August 31, 2009. The clerk then issued a notice
11 continuing the hearing on the motion to dismiss until 9:00 a.m. on September 21, 2009, an hour
12 earlier but the same day as the Case Management Conference. [Docket no. 28.]

13
14 Counsel for Plaintiffs has conferred with counsel for Defendant about this stipulation and
15 they jointly request that the Court continue the Case Management Conference and the hearing on
16 Defendant's motion to dismiss. In particular, lead counsel for Plaintiffs, Keith R. Verges, has a
17 conflict with the September 21, 2009 setting inasmuch as he has already registered for and made
18 travel arrangements to attend to personal business requiring his presence elsewhere on September
19 21, 2009. Defendant agrees with the requested relief.

20
21 In addition, the parties seek to modify the deadlines for filing response and reply briefs in
22 connection with the motion to dismiss, as follows:

23 Plaintiffs' Response Brief: August 28, 2009

24 Defendant's Reply Brief: September 11, 2009

1 Accordingly, Plaintiffs and Defendant stipulate to and request the following: (1) a
2 continuance and rescheduling (a) of the hearing on Defendant's motion to dismiss [Docket no. 23]
3 and (b) of the Case Management Conference until October 5, 2009 at 9:00 a.m. (hearing) and 10:00
4 a.m. (Case Management Conference), respectively; and (2) modification of the briefing deadlines
5 for the motion to dismiss, making Plaintiffs' response due August 28, 2009 and Defendant's reply
6 due September 4, 2009.

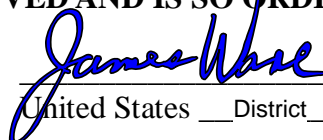
7 **AGREED:**

8
9 By: /s/ Raymond E. Walker
10 Counsel for Plaintiffs

By: /s/ Benjamin Chapman
Counsel for Defendant

11 **THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.**

12 DATED: July 27, 2009


United States ___ District ___ Judge

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record will be served with a copy of this document via the Court's CM/ECF system pursuant to the local rules of this Court, on this 27th day of July 2009.

/s/ Raymond E. Walker

Raymond E. Walker